

HEATHER E. WILLIAMS (SBN 122664)
Federal Defender
JAYA C. GUPTA (SBN 312138)
Assistant Federal Defender
2300 Tulare Street, Suite 330
Fresno, California 93721
Telephone: (559) 487-5561
Facsimile: (559) 487-5950

Attorneys for Defendant
MARC DAVIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

MARC DAVIS,

Defendants.

No. 1:21-cr-00206-DAD-BAM

**STIPULATION TO CONTINUE BRIEFING
SCHEDULE AND HEARING DATE; AND
ORDER**

Date: April 27, 2022

Time: 1:00 p.m.

Court: Hon. Barbara A. McAuliffe

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel, Assistant United States Attorney Kimberly A. Sanchez, counsel for the government, and Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Marc Davis, that the briefing schedule set in this case be continued as set forth below.

Defense counsel asked to set a briefing schedule for pretrial motions on December 21, 2021 (ECF Nos. 28-29), and upon the parties' stipulation, the Court set the following briefing schedule (ECF No. 29):

- Defense motion to be filed on or before January 26, 2022
- Government opposition to be filed on or before February 23, 2022;
- Any defense reply to be filed on or before March 9, 2022;

- Motion hearing to be set on March 23, 2022, at 1:00 a.m. before the Honorable Barbara A. McAuliffe, United States Magistrate Judge.

Defense counsel has recently discovered additional issues requiring further investigation, relevant to the pretrial motions. In light of this, the parties ask that the current dates be re-set as follows:

- Defense motion to be filed on or before March 2, 2022;
- Government opposition to be filed on or before March 30, 2022;
- Any defense reply to be filed on or before April 13, 2022;
- Motion hearing to be set on April 27, 2022, at 1:00 p.m. before the Honorable Barbara A. McAuliffe, United States Magistrate Judge.

The time period from December 21, 2021 until March 23, 2022 was previously excluded. ECF No. 29. The parties agree that the time period from January 26, 2022 until disposition of the motion on April 27, 2022, shall be excluded under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion, through the conclusion of any hearing on the motion, and the prompt disposition of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

Dated: January 27, 2022

HEATHER E. WILLIAMS
Federal Defender

/s/ Jaya C. Gupta
JAYA C. GUPTA
Attorneys for Defendant
MARC DAVIS

Dated: January 27, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ Kimberly A. Sanchez
KIMBERLY A. SANCHEZ
Assistant United States Attorney

ORDER

IT IS ORDERED THAT the briefing schedule on the defense motion is hereby re-set in accordance with the above. The defense motion is to be filed on or before March 2, 2022. The government opposition is to be filed on or before March 30, 2022. Any defense reply is to be filed on or before April 13, 2022. A hearing on the motion is hereby set for **April 27, 2022, at 1:00 p.m. before the Honorable Barbara A. McAuliffe**, United States Magistrate Judge.

Time shall be excluded until April 27, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion.

IT IS SO ORDERED.

Dated: **January 27, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE